

REGULAR MEETING of the Burrillville Town Council held Wednesday, September 12, 2007 at 7:40 P.M. in the Town Council Chambers, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Kevin M. Blais, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe

MEMBERS ABSENT: Councilors Wallace F. Lees and Margaret L. Dudley were excused due to vacation.

1. Council President Nancy F. Binns led those present in pledging allegiance to the flag.

2. MOTION to accept the minutes of the regular meeting held August 22, 2007; the special meeting held Tuesday, July 31, 2007; and the public hearing held August 22, 2007; and the question of dispensing with the reading of said minutes.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Cynthia L. Roe.

Discussion: Councilor Kevin M. Blais voiced concerns about the accuracy of the July 31, 2007 minutes. The matter was discussed. Councilor Blais made a motion to amend the main motion, as follows: to approving the minutes with the exception of the minutes of the special meeting of July 31st 2007 so that those minutes can be

reviewed to ensure accuracy. There was no second.

The vote on the main motion carried, four in favor, one opposed, two excused. Voting in favor of the motion were Council President Nancy F. Binns and Councilors John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilor Kevin M. Blais voted in opposition. Councilors Wallace F. Lees and Margaret L. Dudley were excused.

Councilor Blais asked that the minutes reflect that he voted in opposition because the minutes do not accurately reflect the true happenings of that meeting.

3. Public Comment: None

4. General Good and Welfare of the Town of Burrillville

- Councilor Mainville extended condolences to Lt. Guglietta on the passing of his father.**
- Councilor Mainville congratulated former Council President Gerry Fournier on his 80th birthday.**
- Councilor Mainville reported on the status of the rink project. Council President Binns and Councilor Karmozyn commented on the improvements.**
- Councilor Karmozyn noted that the football field had been used for the first time, praised the facility and congratulated those involved.**
- Councilor Mainville commended the Mencucci's on the Bicentennial**

video.

- Councilor Roe reminded those present of the Arts Festival scheduled for September 15 and 16, 2007. The Library Capital Campaign Committee would be selling library replicas at the festival, she said, noting that quantities would be limited.
- Councilor Roe announced the North Smithfield pumpkin fest, to be held on September 22, 2007 at North Smithfield Elementary School.
- Councilor Blais reiterated that the Library Capital Campaign Committee would be selling library replicas at the festival, noting that quantities would be limited. Councilor Blais said that replicas of other buildings would be available in the future.
- Councilor Blais encouraged people to attend the Arts Festival.
- Councilor Blais discussed the Wallum Lake Rod & Gun Club field day held on the weekend of September 8, 2007.

5. Petitions: None

6. Special Business:

07-260 Swearing in ceremony of Probationary Patrolman Henry Yakey.

The ceremonial swearing in of Probationary Patrolman Henry Yakey was performed by the town clerk.

07-261 Proclamation honoring the Kenoian Family and Staff of

Overlook Nursing and Rehabilitation Center on the occasion of the 50th Anniversary of the Center.

Council President Nancy F. Binns presented Charles Kenoian of Overlook Nursing home with a proclamation, as follows:

Burrillville Town Council

Proclamation

WHEREAS, Overlook Nursing Home was founded in August 1957 when the former carriage house of the Sayles mansion on High Street was purchased by Mr. Harold Kenoian and opened with thirty-three patient beds; and

WHEREAS, In 1964 Mr. Kenoian purchased the mansion and a wing was constructed to link the two structures, providing space for fifty-four beds. In 1972 an additional east wing was added to the structure to create a total of sixty-eight beds; and

WHEREAS, Following a revision of state and federal building code, fire, ADA and nursing home standards, the Kenoian Family found it necessary in 1979 to demolish the original mansion and some of the older structures. A new, modern structure replaced them, creating one hundred beds; and

WHEREAS, Throughout the past fifty years, the Kenoian Family has remained actively involved in Overlook Nursing and Rehabilitation Center. Mr. Harold Kenoian remains as president and was the administrator until 1987 when his son, Charles, assumed the Administrator's position. Mrs. Lillian Kenoian continues part-time as

an Activities Director; and

WHEREAS, Overlook currently employs 145 people, making it one of the town's major employers.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville extends its warmest congratulations to the Kenoian Family and Staff of Overlook Nursing and Rehabilitation Center on the occasion of its 50th Anniversary.

Adopted this 12th day of September 2007

Mr. Kenoian accepted the proclamation and addressed the Town Council.

07-275 VOTED to grant a Class F Liquor License to Nasonville Volunteer Fire Department to apply on September 23, 2007 for the Fall Chowder & Clam Cake Fundraiser to be held at 2577 Victory Highway, Nasonville (Map 114, Lot 32)

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilors Wallace F. Lees and Margaret L. Dudley were excused.

7. Unfinished Business:

07-268 VOTED to receive and file the correspondence from David Carlin, Northern RI Chamber of Commerce regarding “Special Under the Dome” Legislative Update.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilors Wallace F. Lees and Margaret L. Dudley were excused.

Discussion: Councilor Norman C. Mainville reported on his communication with Rep. Pacheco, who will contact the Town Council with information on any items from the list that the general assembly considers before the next session of the legislature.

8. New Business:

07-276 VOTED to open the correspondence from Diane L. Miele regarding her request for an abatement of interest; and the recommendation of John P. Mainville, Finance Director.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members

present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilors Wallace F. Lees and Margaret L. Dudley were excused.

Discussion: Diane L. Miele addressed the Town Council, asking for an abatement of interest, reviewing the issues raised in her letter, which is on file with the record of the meeting. John P. Mainville, Finance Director, reviewed his recommendation, which is on file with the record of the meeting. The procedure for assessing interest was discussed. It was noted that the finance department would work with Ms. Miele to establish a payment plan if necessary. It was also noted that the finance department establishes payment agreements with residents upon request.

VOTED to deny.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Kevin M. Blais. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilors Wallace F. Lees and Margaret L. Dudley were excused.

07-277 VOTED to receive and file the correspondence from Jean M.

Fecteau, Town Clerk of the Town of Gloucester, regarding a request for support of a resolution calling for bills S461 and H5661 to be repealed.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Cynthia L. Roe. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilors Wallace F. Lees and Margaret L. Dudley were excused.

07-278 VOTED to declare surplus 27 Nextel phones as requested by Edward J. Pienkos, Information Systems Manager.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Cynthia L. Roe.

Discussion: It was noted that there is minimal value to the items but that they would be offered for sale as surplus. The Town Council would be informed of the process.

The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilors Wallace F. Lees and Margaret L. Dudley were excused.

07-279 VOTED to open correspondence from Michael C. Wood, Town Manager, regarding his absence from the state and the appointment of an acting town manager in his absence.

Motion by Councilor Kevin M. Blais. Seconded by Councilor Cynthia L. Roe. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilors Wallace F. Lees and Margaret L. Dudley were excused.

Note: Councilors Norman C. Mainville and John M. Karmozyn, Jr. recused from discussion and voting on item #07-279 due to their relationship to John P. Mainville.

Timothy F. Kane, Town Solicitor, advised that with two members recusing and two members absent, there could be no valid vote. Mr. Kane suggested that, under the doctrine of necessity, it would be acceptable for the furthest removed relative to vote if the issue could not be continued.

VOTED to table to the next meeting due to the failure to meet the necessity of a quorum.

Motion by Councilor Kevin M. Blais. Seconded by Councilor Cynthia

L. Roe. The motion carried, four in favor, one recusal, two excused. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, John M. Karmozyn Jr. and Cynthia L. Roe. Councilor Norman C. Mainville recused. Councilors Wallace F. Lees and Margaret L. Dudley were excused.

9. Town Clerk/Communication:

07-280 VOTED to receive and file the correspondence from Robert Rocchio, P.E., Secretary, State Traffic Commission to Col. Bernard E. Gannon, Chief of Police, regarding a speed study conducted on Bronco Highway between East Avenue and Glendale Meadow Road.

Motion by Councilor Kevin M. Blais. Seconded by Councilor Norman C. Mainville.

Discussion: Michael C. Wood, Town Manager, disagreed with the opinion of the Traffic Commission and suggested that the Town Council consider a resolution asking them to reconsider. The matter was discussed.

The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilors Wallace F. Lees and Margaret L. Dudley were excused.

10. Additional New Business:

07-281 VOTED to grant the requests for Executive Session from Michael C. Wood, Town Manager, Timothy F. Kane, Town Solicitor, and Nancy F. Binns, Town Council President, pursuant to Rhode Island Open Meeting Act;

[42-46-5 (a)(5)] for review, discussion and consideration related to the acquisition, sale and exchange of real property relative to Assessor's Map 175, Lot 041 [96 Pascoag Main St. (Laundromat building)];

[\$42-46-5(a)(2)] to consider, discuss and act on litigation matters – Private Industry Council (C.A. No. 02-7096).

[42-46-5 (a)(2)] for consideration and discussion relative to collective bargaining agreement between the Burrillville School Committee and Burrillville Teachers' Association.

[\$42-46-5(a)(2)] to consider, discuss and act on litigation matters – GrowPro/Gaulin V. Burrillville Zoning Board.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Cynthia L. Roe. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy

F. Binns and Councilors Kevin M. Blais, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilors Wallace F. Lees and Margaret L. Dudley were excused.

Note: There was a brief recess before the executive session.

The Council returned to open session at 9:35 P.M.

VOTED to seal the minutes of executive session, noting that six (6) votes had been taken.

Motion by Councilor Cynthia L. Roe. Seconded by Councilor John M. Karmozyn, Jr. The motion was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilors Wallace F. Lees and Margaret L. Dudley were excused.

12. VOTED to adjourn at 9:36 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Cynthia L. Roe. The motion was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilors Wallace F. Lees and Margaret L. Dudley were excused.

The meeting was taped. The tape is on file with the record of the meeting.

Louise R. Phaneuf, Town Clerk